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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,692

03/23/2004

Shinji Ishizuka

14002.019

2423

7590 02/26/2009  
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EXAMINER

POPHAM, JEFFREY D

ART UNIT

PAPER NUMBER

2437

MAIL DATE

DELIVERY MODE

02/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)	
	10/806,692	ISHIZUKA ET AL.	
	Examiner	Art Unit	
	JEFFREY D. POPHAM	2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2008.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

*Remarks*

Claims 17-24 are pending.

*Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 12/15/2008 has been entered.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 17-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Examples of issues that make the claims indefinite are as follows with respect to claim 17. There may be other issues in claim 17. There are also issues in

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regard to the dependent claims that are not separately provided, but are inline with what is discussed with respect to claim 17.

As an example, claim 17 refers to "a terminal for maintenance operation" and claim 24, dependent from claim 17, refers to "a maintenance operation terminal". It is unclear if these are supposed to separate entities, as claimed, or if they are supposed to refer to the same entity. The amendment to claim 17 beginning with "the system for.." ends with "and is connected to a data management server via the mobile terminal and communication network and connected to the PC for education via a local area network for sending or receiving data". It is entirely unclear what is connected to the data management server (the system as a whole, the terminal for maintenance operation, or object system, or device, or work sites, etc.), how this is done via the mobile terminal, or what is connected to the PC for education via a LAN. It is additionally noted that most of those entities do not appear to have basis for the limitation discussed above.

Claim 17 has also been amended to state "a terminal for maintenance operation of an object system or device at work sites". It is unclear what, precisely, "an object system or device" is meant to mean. The specification and drawings appear to provide no help in discerning what an object system or device may be. In reality, figure 1 shows an object system or device as being broader than a work site, and it does not appear possible for a device to enclose an entire work site. Furthermore, in the claims, the object system or device is

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claimed as "at work sites". It does not appear possible for a device to be at multiple work sites simultaneously, as claimed.

Claim 17 additionally refers to using "an authentication recording medium to carry out a maintenance operation of object system or device at work sites by the medium being inserted into the authentication recording medium read/write device for terminal for maintenance operation". What this maintenance operation comprises is unclear. The claim refers to carrying out a maintenance operation by inserting the medium into a read/write device. This insertion does not appear to be the maintenance operation of the application, however, upon reviewing the specification, this "maintenance operation" is never discussed concretely. Furthermore, this limitation recites the medium being inserted into the "read/write device for terminal for maintenance operation". It is unclear which read/write device is for terminal for maintenance operation. Furthermore, this limitation appears to introduce a new authentication recording medium (based on the statement of "an authentication recording medium" while "an authentication recording medium" has already been claimed in the first limitation), making it unclear which medium is being referred to subsequently in the claims.

Claim 17 recites that the data management server "has a function to collect and analyze uploaded data, make a decision and download the decision contents to the authentication recording medium as skill authentication data". It is unclear what this decision pertains to, and what "decision contents" would be. It is unclear what data has been uploaded to the server, or what entity uploaded

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such data. This further obscures what a decision and decision contents refer to, since no entity ever actually uploads data to the server.

Claim 17 goes on to state that “the PC for education comprises an authentication recording medium data reading/writing application and an educational application program and a work application program which are programs for educating operator”. While the educational application program may be a program for educating an operator, it is unclear what a reading/writing application and a work application program have to do with educating an operator.

The above is merely a list of examples of what makes the claims indefinite, and all issues will need to be fixed to make the claims definite in order to properly define the subject matter for which patent protection is sought.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bly (U.S. Patent Application Publication 2002/0087345) in view of Ohno (U.S. Patent 7,221,899) and Hobgood (U.S. Patent Application Publication 2003/0132283).

Regarding Claim 17,

Bly discloses a system for maintaining qualification of an operator using an authentication recording medium, the system comprising:

An authentication recording medium storing readable identification data and readable/writable skill authentication data (Figures 9 and 10; and Paragraphs 84-85 and 94-98);

A terminal for maintenance operation of an object system or device at work sites comprises an authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 91 and 94-98);

A mobile terminal comprises an authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 84-85, 105, and 141-143);

A data management server (Figures 9 and 10; and Paragraphs 85, 94-98, and 104); and

A PC for education comprises an authentication recording medium read/write device (Figures 9 and 10; and Paragraphs 94-98, 104, and 154-155); where

The system for maintaining qualification of an operator uses an authentication recording medium to carry out a maintenance operation of an object system or device at a work site by the authentication recording medium being inserted into the

authentication recording medium read/write device for terminal for maintenance operation, and is connected to the data management server via the mobile terminal and a communication network (Figures 9 and 10; and Paragraphs 91 and 94-98);

The data management server comprises a database for data regarding work or operation status and a database for quality management data, and has a function to collect and analyze uploaded data, make a decision and download decision contents to the authentication recording medium as skill authentication data (Paragraphs 84-85, 94-98, 105, 141-143, and 147-151);

The PC for education comprises an authentication recording medium data reading/writing application program and an educational application program and a work application program which are programs for educating an operator, and has a function to provide educational material for self-learning regarding various operations, and a function to transmit a result of learning performed by the operator to the data management server via the LAN, receive a content of a determination from the data management server via the LAN and additionally record/update the same by the authentication recording medium read/write device to the authentication recording medium as skill authentication data (Figures 9 and 10; and Paragraphs 94-98, 104-107, 139-141, 149, and 154-155);



But may not explicitly disclose that the terminal for maintenance operation is connected to the PC for education via a LAN for sending or receiving data.

Ohno, however, discloses that the PC for education is connected to a terminal for maintenance operation via a LAN for sending or receiving data (Column 4, lines 21-35; Column 5, lines 10-65; and Column 8, lines 25-60). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the remote training system of Ohno into the training/certification tracking system of Bly in order to allow operators to obtain on-demand, remote training as well as real-time answers to questions that the operator has with respect to maintaining the system, thereby increasing confidence in the operator's performance.

Hobgood, however, discloses an authentication recording medium storing readable identification data and readable/writable skill authentication data that is inserted into authentication recording medium read/write devices in various devices in order to read and write the data stored on the authentication recording medium (Abstract; and Paragraphs 13-16 and 20). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the smart card training system of Hobgood into the training/certification tracking system of Bly as

modified by Ohno in order to allow the system to provide simulations during training, such that an operator can more clearly see precisely what the operator should do upon encountering the situation for which the operator is trained, thereby resulting in more accurate training and performance.

Regarding Claim 18,

Bly as modified by Ohno and Hobgood discloses the system of claim 17, in addition, Bly discloses that the skill authentication data stored in the authentication recording medium includes operation authority for an object system or device to be managed/maintained at a work site, operation qualification level, expiration data of operation qualification level and content of operation record including time, number of times and name of apparatus (Paragraphs 94-98 and 147-151).

Regarding Claim 19,

Bly as modified by Ohno and Hobgood discloses the system of claim 18, in addition, Bly discloses that the skill authentication data stored in the authentication recording medium further includes data regarding work or operation status such as continuous work time and past quality management data such as operation error (Paragraphs 94-98 and 147-151).

Regarding Claim 20,

Bly as modified by Ohno and Hobgood discloses the system of claim 17, in addition, Bly discloses that the mobile terminal has a function to read the data stored in the authentication recording medium by the authentication recording medium read/write device and send the same to the data management server via a communication network, and a function to additionally record or update data received from the data management server in the authentication recording medium by the authentication recording medium read/write device (Paragraphs 84-85, 94-98, 105, and 141-143).

Regarding Claim 21,

Bly as modified by Ohno and Hobgood discloses the system of claim 20, in addition, Bly discloses that contents to be downloaded to the authentication recording medium include operation authority for an object system or device to be managed/maintained at a work site, operation qualification level, expiration data of operation qualification level (Paragraphs 94-98 and 147-151).

Regarding Claim 22,

Bly as modified by Ohno and Hobgood discloses the system of claim 21, in addition, Bly discloses that contents to be downloaded to the authentication recording medium further include data regarding work or operation status such as continuous work

time and past quality management data such as operation error  
(Paragraphs 84-85, 94-98, 105, 141-143, and 147-151).

Regarding Claim 23,

Bly as modified by Ohno and Hobgood discloses the system of claim 17, in addition, Bly discloses that upon receiving an urgent operation approval data registered by an administrator, the data management server holds a function to download the data via the mobile terminal to the authentication recording medium by the authentication recording medium read/write device (Paragraphs 81-83 and 96-97).

Regarding Claim 24,

Bly as modified by Ohno and Hobgood discloses the system of claim 23, in addition, Bly discloses that the system further comprises a maintenance operation terminal for managing/maintaining an object system or device to be managed/maintained at a work site by using the authentication recording medium (Figures 9 and 10; and Paragraphs 91 and 94-98);

The maintenance operation terminal comprises an authentication recording medium read/write device, an operation application program and an authentication application program for the authentication recording medium, the maintenance operation terminal has a function to read data recorded in the authentication

recording medium through the authentication recording medium read/write device, confirm identification authentication based on identification authentication data, and authenticate a certain range of operation based on the skill authentication data (Figures 9 and 10; and Paragraphs 91 and 94-98); and

After performing a maintenance operation, the maintenance operation terminal has a function to log the contents of an operation record by the operator and to store the contents of the operation record to the authentication recording medium by the authentication recording medium read/write device (Paragraphs 94-98).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY D. POPHAM whose telephone number is (571)272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571)272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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